

REMARKS

Claims 1-9 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,568,281 to Sato et al.

Applicants respond as follows.

U.S. Patent 6,568,281 was issued May 27, 2003, subsequent to Applicants' February 19, 2002 U.S. filing date, and therefore is not available as prior art under § 102(b). Also, because the inventorship identity is identical (i.e., U.S. Patent 6,568,281 to Sato et al. is not by another), the cited reference is also not available as prior art under § 102(e) or under any other subsection of § 102.

Thus, U.S. Patent 6,568,281 to Sato et al. is not prior art against the present claims, and withdrawal of the foregoing rejection under 35 U.S.C. § 102(e) is respectfully requested.

Applicants further comment as follows.

U.S. Patent 6,568,281 claims foreign priority from Japanese Patent Application No. 11-229776 filed August 16, 1999 and Japanese Patent Application No. 2000-186379 filed June 21, 2000. Japanese Patent Application No. 2000-186379 was published on May 11, 2001 as laid-open Japanese Patent Application Publication ("Kokai") JP 2001-124745 A, less than one year prior to the February 19, 2002 U.S. filing date of the present application. Therefore, JP 2001-124745 A is not available as prior art under § 102(b). Also, because the inventorship identity of JP 2001-124745 A and that of the present application is identical, JP 2001-124745 A is also not available as prior art under § 102(a).

An English language Abstract of JP 2001-124745 A confirming the publication date and inventorship is attached hereto for the Examiner's convenience.

Japanese Patent Application No. 11-229776 was never published in Japan.

That is, neither U.S. Patent 6,568,281 or its laid-open priority application are prior art against the present claims, and withdrawal of the foregoing rejection under 35 U.S.C. § 102(e) is respectfully requested.

To the extent that the present claims may be obvious over the claims of U.S. Patent 6,568,281, the Assignee submits concurrently herewith a Terminal Disclaimer disclaiming the terminal part of any patent granted on the above-identified Application No. 10/076,423 which would extend beyond the expiration of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 6,568,281.

The Assignee previously submitted a Terminal Disclaimer together with the Response filed October 7, 2004. However, the Terminal Disclaimer was not accepted due to a typographical error identifying U.S. Patent 6,568,281 which has now been corrected.

Withdrawal of all rejections and allowance of claims 1-9 is earnestly solicited.

In the event that the Examiner believes that it may be helpful to advance the prosecution of this application, the Examiner is invited to contact the undersigned at the local Washington, D.C. telephone number indicated below.

RESPONSE UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/076,423

Q68513

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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